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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/921,875	08/06/2001	Hidetada Nagaoka	1163-0351P	7131
2292	7590	07/28/2005	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			VILLECCO, JOHN M	
			ART UNIT	PAPER NUMBER
			2612	

DATE MAILED: 07/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/921,875

Applicant(s)

NAGAOKA ET AL.

Examiner

John M. Villecco

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-13 is/are allowed.
- 6) ☒ Claim(s) 14, 15, 20 and 21 is/are rejected.
- 7) ☒ Claim(s) 16-19 and 22 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant has submitted a translated copy of the priority documents, thereby perfected their claim for priority. By perfecting their claim for priority, applicant has effectively disqualified the Kasahara reference from being used in a rejection.
2. Additionally, applicant has added new claims 14-22. Please see the new grounds of rejection presented below.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. **Claims 14, 15, 20, and 21 are rejected under 35 U.S.C. 102(e) as being anticipated by Tomaszewski (U.S. Patent No. 6,519,002).**

5. Regarding *claim 14*, Tomaszewski discloses a method and apparatus for minimizing flicker effects during a digital video image capture. More specifically, Tomaszewski discloses a solid-state image device (sensor, 114), an image processing portion (110), which acts as the detecting unit since it operates to detect the power supply frequency of light source that illuminates the photographing environment, and a system controller (160), which acts as the

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control unit for controlling a charge storage time for the sensor (114) to be a function of the detected power supply frequency. See column 3, lines 37-64 and column 4, lines 8-60.

6. As for *claim 15*, Tomaszewski discloses that the imaging system (100) detects whether the illumination is operating at a frequency of 50 Hz or 60 Hz. This is done by capturing a plurality of frames and determining an average intensity and standard deviation of the intensities between each frame. Thus, the power supply frequency is determined based on inter-frame variations of pixel values. See column 4, line 47 to column 6, lines 63.

7. With regard to *claim 20*, Tomaszewski discloses in column 4, lines 44-46, that timing pulses may be generated in multiples of 60 Hz or 50 Hz. Since 60 Hz and 50 Hz are determined to be the power supply frequency (col. 3, lines 30), a multiple of two of the 60 Hz or 50 Hz would be equal to half the reciprocal of the power supply frequency.

8. Regarding *claim 21*, by comparing the standard deviation of the frames captured under each of the different conditions (50Hz and 60Hz) the system is able to determine if the illumination is operating under 50 Hz or 60 Hz. Furthermore, as shown in Figure 3 and column 4, lines 30-46, the programmable clock is capable of outputting either a 50 Hz timing signal or a 60 Hz timing signal. Inherently, the programmable clock would have a switching unit for switching between the first timing and the second timing.

Allowable Subject Matter

9. Claims 16-19 and 22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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10. The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 16, the primary reason for indication of allowable subject matter is that the prior art fails to teach or reasonably suggest accumulating a plurality of pixel values in a predetermined frame line for each of a plurality of frames, calculating inter-frame variations of the accumulated pixel values, and calculating an index based on the calculated inter-frame variations.

As for claim 22, the primary reason for indication of allowable subject matter is that the prior art fails to teach or reasonably suggest a masking unit operable to halt operation of the switching unit by masking a control signal supplied by the detecting unit to the switching unit.

11. Claims 1-13 are allowed.

12. The following is an examiner's statement of reasons for allowance:

Regarding claim 1, the primary reason allowance is that the prior art fails to teach or reasonably suggest an accumulating section for accumulating a plurality of pixel values of a predetermined line in a frame and an index calculating section for calculating inter-frame variations of accumulation values obtained by the accumulating section and for calculating an index for detecting the flicker from the inter-frame variations of a predetermined number of frames.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

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fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

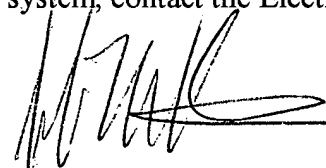
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John M. Villecco whose telephone number is (571) 272-7319. The examiner can normally be reached on Monday-Friday.

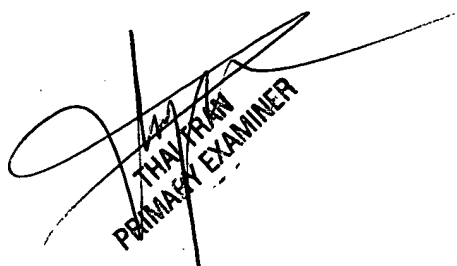
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ^{Thai Tran} ~~Wendy Garber~~ can be reached on (571) 272-⁷³⁸² ~~7308~~. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



John M. Villecco
July 14, 2005



THUY TRAN
PRIMARY EXAMINER